THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No. 4714 of 2003

ORDER:

This writ petition has been filed seeking declaration that the action of the 3rd respondent-SNV Mahavidyalaya,
in insisting the petitioner to pay entire B-Pharmacy course fee as arbitrary, illegal and improper and consequently to direct the 3rd respondent to forthwith return all the original certificates lying in his possession so as to enable her to submit the same to 4th respondent-Sri Sai Dental College, in pursuance of letter of the 2nd respondent-N.T.R. University of Health Sciences, dated 22-01-2003.

The case of the petitioner is that she appeared for the Intermediate examination conducted by the Board of Intermediate Education with B.P.C. group and secured 83% marks. After passing the same, she appeared for EAMCET examination during April, 2002 with hall ticket No.3502474 and secured rank 5954. The Convener, EAMCET 2002, selected the petitioner for B-Pharmacy course and seat was allotted to her in S.N.V. Mahavidyalaya (B-Pharmacy) under OU-OC-Female payment category by provisional allotment order dated
30-07-2002 and an amount of Rs.40,650-/ was collected towards fee. In pursuance of her selection and allotment of seat into the 3rd respondent's college, she joined for studying B-Pharmacy course and classes were commenced from October, 2002.

While so, counseling for the M.B.B.S/B.D.S. course for the

year 2002-03 was conducted by the 2nd respondent and she was asked to appear before the Selection Committee on 22-01-2003. She further submits that Selection Committee provisionally selected her for B.D.S. course under O.C-G/L/paid category and seat was allotted into Sri Sai Dental College of Dental Sciences, Vikarabad. She was directed to report to the Principal in person between 29-01-2003 and 03-02-2003, pay the tuition fee and other relevant fee and to submit all the original certificates at the college selected. She was further informed that if she fails to report to the Principal on or before the aforementioned dates, her provisional selection stands cancelled automatically without any further notice.

In view of the above position, the petitioner approached the 3rd respondent and made an application dated 27-01-2003 with a request to return original certificates which were submitted to the college at the time of her admission into B-Pharmacy course, such as S.S.C. Certificate, Memorandum of qualifying examination, EAMCET rank card, Study Certificate, Hall Ticket of EAMCET 2002, Intermediate certificate etc., and the 3rd respondent did not bother to return the same and insisted to pay entire B-Pharmacy course fee of Rs.1,21,000/- for returning the original certificates. Therefore, the petitioner challenged the action of the 3rd respondent and sought for direction to forthwith return the original certificates to the petitioner so as to enable her to submit the same to the 4th respondent in pursuance of the 2nd respondent letter dated 22-01-2003.

This Court while issuing “Rule Nisi”, passed the interim direction dated 20-03-2003 in WPMP. No.6210 of 2003 as follows:

> *"Pending further orders, the third respondent-college shall return the original certificates to the petitioner on her* (sic.his) *undertaking that she* (sic.he) *would pay the fee for the remaining 3 years, payable to the 3rd respondent-college in the event if the seat vacated by the petitioner is not filled up by the EAMCET Convener and the same is kept vacant for the remaining years. It is always open for the third respondent-college to notify to the EAMCET Convener about vacation of seat by the petitioner and on such intimation if the admissions are not already closed the Convener can allot the seat vacated by the petitioner to any of the candidate next to the petitioner in rank."*

The subject matter in question in this writ petition is relating to the admission of the student and return of original certificates for producing the same in 4th respondent's college to prosecute the B.D.S. course in pursuance of the

2nd respondent letter dated 22-01-2003.

The interim direction passed by this Court itself is in the form of prayer sought for in the writ petition. In view of the same, no further orders are required to be passed in this matter, since the matter is relating to the academic year of 2002-03 and the interim direction dated 20-03-2003 is made as final order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE G. CHANDRAIAH

Date: 05-07-2006

LSK